

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Takuya KAWAMURA

SERIAL NUMBER: 10/807,321 GROUP: 2618

FILED: March 24, 2004 EXAMINER: WENDELL, ANDREW

FOR: WIRELESS COMMUNICATION APPARATUS, WIRELESS COMMUNICATION METHOD, AND COMPUTER PROGRAM

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

MAIL STOP ISSUE FEE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

Applicant acknowledges with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reasons for Allowance in the Notice of Allowance of September 4, 2009, Applicant respectfully submits the following comments.

In the Examiner's Statement of Reasons for Allowance, page 4 of the Notice of Allowance states in part:

Regarding claim 9, method claim 9 is allowed for the same reason as apparatus claim 1 since the recited elements would perform the claimed steps.

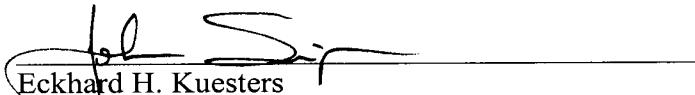
The prior art of record fails to teach the claimed subject matter as claimed and substantially connected in claims 9-16.

It is respectfully noted that independent Claim 9 does not include the elements referred to above. For example, Claim 9, being directed to a wireless communication method, does not include a reference to structure as may be implied and/or inferred by the examiner's statement. For example, the claim does not include a reference to "reception unit" or "selection unit" or "transmission unit". Claim 9 is patentable by virtue of the limitations recited therein rather than the structure of the apparatus. Accordingly, it is respectfully

submitted that the above-quoted statement does not apply to Claim 9 to the extent the language used in the statement differs from the language of the claims.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Eckhard H. Kuesters
Registration No. 28,870

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 07/09)

John Sipos
Registration No. 61,985